



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: September 22, 2010

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary

SUBJECT: Land Use Code (LUC) Amendment – Medical Marijuana Dispensaries and Cultivation Locations

Issue – This item is for discussion by the Planning Commission in a Study Session. On September 8, 2010, Mayor and Council directed staff to prepare a Land Use Code amendment to address Medical Marijuana Dispensaries and Cultivation Locations. The amendment adds a new land use class for Medical Marijuana Dispensaries and Cultivation Locations in Article II *Zones*, Divisions 5, *Commercial Zones*, and Division 7, *Industrial Zones* providing new regulations and review processes. The amendment also provides a new definition for Medical Marijuana Dispensaries and Medical Marijuana Cultivation Locations in Article VI *Definitions*, Division 3 *Land Use Groups* and new performance criteria for Medical Marijuana Dispensaries and Cultivation Locations in Article III *Development Regulations*, Division 5 *Performance Criteria*. A dispensary and a cultivation location will be considered a new land use class in the Retail Trade Use Group.

Recommendation – Staff recommends that the Planning Commission set this text amendment for public hearing on October 6, 2010. The Mayor and Council would like to hear these items no later than October 26, 2010..

Background – Proposed provisions of Proposition 203 in the November 2, 2010 general election, the Arizona Medical Marijuana Act, A.R.S. § 36-2806.01, allows Cities and Counties to enact zoning regulations of Medical Marijuana Dispensaries and Cultivation locations. Medical Marijuana Dispensaries and Medical Marijuana Cultivation locations are not currently a permitted use of land in the City of Tucson and are not addressed by any regulations of the Tucson Land Use Code.

The proposed amendment will allow for the use of property as a Medical Marijuana Dispensary or Medical Marijuana Cultivation location if the provisions of Proposition 203, the Arizona Medical Marijuana Act, are approved and remain in full force and effect.

Attachments: Medical Marijuana Dispensaries and Cultivation Locations Draft